## IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

IN RE:	§	
LINNIENED CV. LLC. 4.1	§	C N- 16 (0040 (DD)
LINN ENERGY, LLC, et al.,	8	Case No. 16-60040 (DRJ)
D 1.	8	C1 4 11
Debtors.	8	Chapter 11
	§	
ENABLE MISSISSIPPI RIVER	§	
TRANSMISSION, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Adversary No. 16-6017
	§	
LINN ENERGY HOLDINGS, LLC, et al.,	§	
	§	
Defendants.	§	

## PLAINTIFF'S EMERGENCY MOTION FOR LEAVE TO FILE SUR-REPLY BRIEF

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

Plaintiff Enable Mississippi River Transmission, LLC ("Enable"), through its counsel, respectfully submits this Emergency Motion for Leave ("Motion") to file a short Sur-Reply in Opposition to Defendants' Motion to Dismiss. The Sur-Reply is attached as Exhibit A to this Motion, and includes four pages of substantive argument. Enable seeks emergency consideration of this Motion, as Enable believes the Sur-Reply would assist the Court in its determination. The Sur-Reply addresses certain caselaw discussed in Defendants' Reply to Opposition to Motion to Dismiss (Dkt. 71), which was not cited or discussed in Defendants' Motion to Dismiss (Dkt. 69). A proposed order is attached for the Court's convenience. Enable requests all further relief as the Court deems just and proper.

Date: March 11, 2019

Of Counsel

BRADLEY MURCHISON KELLY & SHEA LLC
Joseph L. Shea, Jr.
State Bar No. 00796055
jshea@bradleyfirm.com
Joshua S. Chevalier
La. Bar No. 35706
jchevalier@bradleyfirm.com
401 Edwards Street, Suite 1000
Shreveport, Louisiana 71101
(318) 227-1131
(318) 227-1141 (Fax)

Respectfully submitted,

R. Paul Yetter

State Bar No. 22154200 pyetter@yettercoleman.com

Wyatt J. Dowling

State Bar No. 24074152

wdowling@yettercoleman.com

YETTER COLEMAN LLP

811 Main St., Suite 4100

Houston, Texas 77002

(713) 632-8000

(713) 632-8002 (Fax)

Charles A. Beckham, Jr.

State Bar. No. 02016600

charles.beckham@haynesboone.com

Arsalan Muhammad

State Bar No. 24074771

arsalan.muhammad@haynesboone.com

HAYNES AND BOONE, LLP

1221 McKinney Street, Suite 2100

Houston, Texas 77010

(713) 547-2243

(713) 236-5639 (Fax)

## **CERTIFICATE OF SERVICE**

I certify that, on this March 11, 2019, a copy of the foregoing was served through the Court's Electronic Case Filing System to all parties who have entered an appearance in this adversary proceeding, in accordance with Federal Rule of Bankruptcy Procedure 7005.

Wyatt J. Dowling